

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IVAN LEE MATTHEWS, II,

Plaintiff

Case No. 3:21-cv-00320-MMD-CLB

ORDER

v.

BRIAN WILLIAMS, *et al.*,

Defendants

I. DISCUSSION

On July 30, 2021, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* for a non-inmate or pay the full \$402 filing fee on or before September 3, 2021. (ECF No. 4). On August 26, 2021, Plaintiff filed a notice of change of address stating he was now an inmate at North County Correctional Facility ("NCCF") in Los Angeles, California. (ECF No. 5).

The Court will grant Plaintiff an opportunity to file a fully complete application to proceed *in forma pauperis* by an inmate, or in the alternative, pay the full \$402 filing fee for this action on or before **November 25, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the**

1 previous six-month period. If Plaintiff has not been at the facility a full six-month period,
 2 Plaintiff must still submit an inmate account statement for the dates he has been present
 3 at the facility.

4 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
 5 with all three required documents or pay the full \$402 filing fee on or before **November**
 6 **25, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new
 7 case with the Court when Plaintiff is either able to acquire all three of the documents
 8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
 9 \$402 filing fee.

10 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 11 case with the Court, under a new case number, when Plaintiff has all three documents
 12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
 13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 14 full filing fee of \$402 on or before **November 25, 2021** to proceed with this case.

15 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 16 will not file the complaint unless and until Plaintiff timely files a fully complete application
 17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
 20 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
 21 as the document entitled information and instructions for filing an *in forma pauperis*
 22 application.

23 IT IS FURTHER ORDERED that on or before **November 25, 2021**, Plaintiff will
 24 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
 25 the \$52 administrative fee) or file with the Court:

- 26 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this
 27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
 28 signatures on page 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,
5 Plaintiff must still submit an inmate account statement for the dates he has been present
6 at the facility.

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
8 application to proceed *in forma pauperis* with all three documents or pay the full \$402
9 filing fee for a civil action on or before **November 25, 2021**, this case will be subject to
10 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
11 number, when Plaintiff has all three documents needed to file a complete application to
12 proceed *in forma pauperis* or pays the full \$402 filing fee.

13 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
14 (ECF No.1-1) but will not file it at this time.

15 DATED: September 27, 2021

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18 UNITED STATES MAGISTRATE JUDGE
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